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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,240	02/13/2001	Elena A. Fedorovskaya	80364DMW	9653

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PATENT LEGAL STAFF
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EXAMINER

LAROSE, COLIN M

ART UNIT	PAPER NUMBER
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2623

DATE MAILED: 04/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/782,240	Applicant(s) FEDOROVSKAYA ET AL.	
	Examiner Colin M. LaRose	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-29 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☒ Claim(s) 30-35 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Arguments and Amendments

1. Applicant's amendments and arguments filed 12 November 2004, have been entered and made of record.

Claim Objections

2. Claim 32 is objected to because it improperly depends from itself. Appropriate correction is required.
3. Claims 30 and 35 are objected to under 37 CFR 1.75 as being a substantial duplicate of claim 6. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Allowable Subject Matter

4. Claims 1-29 are allowed.
5. The following is an examiner's statement of reasons for allowance:

Regarding claim 1, the combination of Lee and Cutaia does not teach "calculating an image range ..." and using the image range to calculate the overall lightness contrast, as claimed.

Cutaia's image range corresponds to a spatial area LA, whereas the claimed image range corresponds to a range of lightness values. See Applicant's Remarks, p. 19. Calculating an image range for the purposes of determining contrast is conventional (see e.g. ¶ 11 of Non-final Action

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dated 11 august 2004), however, neither Lee nor Cutaia appear to disclose utilizing such a range of lightness value in a computation of an overall contrast measure, as claimed.

Applicant's other remarks in regards to claim 1 are unpersuasive:

First, Cutaia's contrast measure are based on lightness, in contrast to Applicant's contention to the contrary. See Applicant's Remarks, p.18. Cutaia's pixels are binary, and each has a lightness value associated therewith (i.e. either black or white). All of Cutaia's contrast measures are based on these binary pixel values, so they are measures based on lightness.

Second, both Lee's contrast measurements are "of the image," in contrast to Applicant's contention to the contrary. See Applicant's Remarks, pp.19-20. Cutaia was only relied upon for a refinement of Lee's area contrast, and the fact that Cutaia performs contrast measures on different areas does not appear to be relevant to the claim language.

Claims 2-4 depend from claim 1 and are allowable for the same reasons.

Claims 15 and 22 have been amended in accordance with claim 1 and are allowable for the same reasons.

Claims 16-18, 20, 21, 23-25, 27, and 28 depend from claims 15 and 22 and are allowable for the same reasons.

Regarding claim 8, Applicant's remarks with respect to claim 8 are persuasive. See p. 16 of Applicant's Remarks. In addition, since Applicant has defined "image range" as corresponding to a range of lightness values rather than a spatial range in an image (see Applicant's Remarks, p.19), Cutaia is not considered to teach calculating an image range and using the image range in a measure of the overall contrast, as claimed.

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Claims 9-11, 13, and 14 depend from claim 8 and are allowable for the same reasons.

Regarding claims 5, 12, 19, and 26, these claims were previously indicated as encompassing allowable subject matter and are now presented as independent claims incorporating the subject matter of the base claims. They are allowable because the combination of Lee and Cutaia does not teach the second average lightness being calculated as claimed.

Regarding claim 6, Applicant's remarks with respect to claim 6 are persuasive, and claim 6 is allowable for those reasons. See Applicant's Remarks, p. 21.

Claim 7 depends from claim 6 and is allowable for the same reasons

Regarding claim 29, Schweyer discloses determining a local edge contrast and assessing a standard deviation around a mean value ... to produce the image edge contrast. See e.g. ¶ 7 of Non-final Action dated 11 august 2004. However, Schweyer does not disclose detecting edges and determining local edge contrast at the edges, as claimed, in order to calculate the image edge contrast. For this reason, claim 29 is allowable.

Also, claim 29 is allowable for the same reasons as set out for claim 1 above.

Claims 30 and 35 are substantial duplicates of claim 6 and would be allowable for the same reasons if the above objection under 37 CFR § 1.75 for claims 30 and 35 is overcome.

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Claims 31, 33, and 34 depend from claim 30 and are allowable for the same reasons if rewritten in independent form or if the above objection to claim 30 under 37 CFR § 1.75 is overcome.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Colin M. LaRose whose telephone number is (571) 272-7423. If


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attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Amelia Au, can be reached on (571) 272-7414. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2600 Customer Service Office whose telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CML
Group Art Unit 2623
10 April 2005



VIKKRAM BALI
PRIMARY EXAMINER